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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,012	03/24/2004	Dan Scott Johnson	200207103-1	5685

22879 7590 12/24/2008

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EXAMINER	
ALAM, MUSHFIKH I	
ART UNIT	**PAPER NUMBER**
2426	

NOTIFICATION DATE	DELIVERY MODE
12/24/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/808,012	JOHNSON, DAN SCOTT	
	Examiner	Art Unit	
	MUSHFIKH ALAM	2426	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *8/11/2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 8/11/2008 have been fully considered but they are not persuasive.

Claim 1, Applicant argues that in rejecting claim 1, the Examiner points to a box labeled "NOC," numerically labeledl80 in Figure 2a of Farrand and paragraph [0078] of Farrand as teaching a processor. The NOC is described, beginning with paragraph [0070] of Farrand, as a network operation center that communicates with home media servers. The NOC is a large, centralized distributed server system. To those familiar with computer science and computer hardware, the NOC of Farrand is not a processor. Processors (100 in Figure 5 of the current application) are instruction-execution engines, generally implemented as a single integrated circuit. Processors are not servers, and can do almost nothing, by themselves, instead serving as one component of a computer system or other device that additionally includes memories, busses, power supplies, mass-storage devices, and many other components. Furthermore, paragraph [0078] mentions nothing about processors, and does not contain a single occurrence of the word "processor."

In response to Applicant's argument, a processor as broadly interpreted is a device that performs (processes) a particular function. The NOC performs (processes) the function of monitoring users viewing habits as shown in Office Action.

Applicant further argues Farrand's teaches the NOC as monitoring information downloaded to a user, so that the NOC can download additional, related information. But, as clearly shown in Figure 2a of Farrand, the NOC is a remote distributed server interconnected with a home media network via the Internet. There is no indication that the NOC can actually monitor a user's television or computer display device to determine when data downloaded to a user is actually rendered and presented to the user. The currently claimed source component, after initiating transfer of data to a user, finds related data in an archival storage system. But note that the source component actually monitors the user's presentation system to detect if and when the transferred data is actually presented to the user before undertaking retrieval of the related data. Farrand's NOC has no way of carrying out such monitoring. It is connected via the Internet to the home media network of a user, and the user's devices are connected to the home media network. There is no obvious way for a remote server connected via the Internet to a local network to monitor activities of devices on that network, and Farrand does not provide any teaching or suggestion of such monitoring.

In response to Applicant's argument, it should be noted that the claims are interpreted in the broadest sense. The Examiner appreciates the concept of current invention as to the monitoring of the display of the presentation device, however, these concepts are not represented by the claims. As claimed, "the data manager adapted to monitor presentation of the A/V program data requested by a user via a presentation device" is simply interpreted as the NOC monitoring the users activities, those activities are interpreted as data that is requested by the user. Those programs that would be

requested by the user would be displayed on the presentation device. Further, the limitation “the data manager adapted to automatically retrieve A/V program data related to the monitored A/V program data from an archival storage system in response to the presentation of the monitored A/V program data to the user” is interpreted as a user watching a TV series regularly (monitored A/V program data monitored by the NOC), then automatically retrieving those regular TV series programs and storing them to the NOC or home media server. Then those program can be automatically retrieved by the user at non-broadcast times (paragraph [0079]).

Claim 22, Applicant argues that as would be clear to those with a background in computing and electronics, the claim term "A/V program data," recited in both claims 1 and 22, refers to audio/visual program data that is rendered by a presentation device for presentation to a user, as discussed throughout the current application and explicitly recited in claim 1.

The Examiner respectfully disagrees. The term "A/V program data" as broadly interpreted can be read as any type of data that is related to A/V programming. Farrand's log of programs the user watches may be interpreted as "data” related to the "A/V programming".

Applicant further argues that there is nothing in the cited paragraphs of Farrand that teach, mention, or even remotely suggest anything related to deciding, based on relatedness of newly received program data, whether or not to archive the newly received program data or the related program data already resident in a source

component. Memory and archival storage are two different, distinct electronic storage systems, as would be immediately recognized by those familiar with computing and electronics, and as explicitly stated and illustrated in the current application, while paragraph [0097] of Farrand discusses storing "all of a user's data, music and video ... in a single location." Nothing in the cited paragraphs of Farrand has anything at all to do with deciding whether to store program data in memory or in archival storage, and neither memory nor archival storage systems are even mentioned in the cited paragraphs of Farrand.

In response to Applicant's argument, Applicant is reminded that the specification is not read into the claims, and that the currently claimed limitations in claim 22 are silent in mostly all of the above arguments. As recited, "the data manager adapted to determine whether the A/V program data resides in memory related to the received A/V program data" is broadly interpreted. If there is a usage log of the users current viewing habits related to the program he is currently viewing, (i.e. when the user is viewing programming, determining that he is interested in baseball, record this log in usage log). Once the NOC makes the determination that the user is interested in baseball, begin to transfer baseball related programs to the NOC or home media server (i.e. automatically transfer either the received A/V program data or the related A/V program data to an archival storage system". This programming can also be based on a broadcast sequence (i.e. TV series) where the continuing programming (i.e. future TV series episodes) are automatically sent to the NOC or home media server. This is sufficient to read on claim 22.

Claim 29, Applicant argues sink components are clearly stated to be distinct components from presentation devices. Presentation devices may include sink components, but presentation devices are not sink components.

In response to Applicant argument, the sink devices are interpreted as device connected to the display devices (i.e. a television, 135). Thus, this would real consistently with Applicant's specification in that the presentation devices (135) are not sink devices but are included (connected) with them.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 8-10, 12, 14-15, 18-22, 24-29, 31, 33-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Farrand (US 2003/0193619).

Claims 1 and 10, Farrand teaches an audio/video source component, comprising:

- a processor (180) (paragraph [0078]); and
- a data manager (i.e. for logging usage) executable by the processor (180), the data manager adapted to monitor presentation of A/V program data requested by a user via a presentation device (channels watch, websites visited) (paragraph [0079]),
- the data manager adapted to automatically retrieve A/V program data related to the monitored A/V program data (related-content) from an archival storage system (content may be stored at NOC, or home media server) in response to presentation of the monitored A/V program data to the user (paragraphs [0078]-[0081], [0097]).

Claims 2, 14, Farrand teaches the component of claim 1, wherein the data manager is adapted to transmit the monitored A/V program data to a sink component (user device) coupled to the presentation device (i.e. display device, 171) (paragraphs [0067], [0093]).

Claim 3, Farrand teaches the component of claim 1, wherein the data manager is adapted to receive a request (automatically record) for the monitored A/V program data from a sink component (user device) coupled to the presentation device (display device) (paragraphs [0079], [0093]).

Claims 4, 12, 24, 31, Farrand teaches the component of claim 1, wherein the data manager is adapted to identify the related A/V program data (shows watched on a regular basis) via a recordation time of the monitored A/V program data (paragraph [0079]).

Claim 8, 25, 36, Farrand teaches the component of claim 1, wherein the archival storage system comprises an optical media storage system (paragraph [0154]).

Claim 9, 33-34, Farrand teaches the component of claim 1, wherein the data manager is adapted to determine whether A/V program data related to the monitored A/V program data resides in the archival storage system (i.e. at the NOC or home media server) (paragraphs [0080]-[0081]). *Users may use the NOC as back up storage. Data manager (NOC) is able to keep track of content stored.*

Claim 15 is analyzed as a method of claim 10.

Claim 18 is analyzed as a method of claim 12.

Claim 19 is analyzed as a method of claim 14.

Claim 20 is analyzed as a method of claim 3.

Claim 21 is analyzed as a method of claim 9.

Claim 22, note the discussion of claim 1 above. Farrand teaches an audio/video source component, comprising:

- the data manager (NOC) adapted to receive A/V program data (usage log) for storage in memory (at NOC) (paragraph [0078]),
- the data manager adapted to determine whether A/V program data (usage log) resides in memory related to the received A/V program data (user requests) and, if related data resides in memory (i.e. user requesting programs on a regular basis shown by usage log), automatically transfer either the received A/V program data or the related A/V program data to an archival storage system (storage at

home media server) based on a broadcast sequence (viewing of a regular basis) of the received A/V program data and the related A/V program data (paragraphs [0079], [0097]). *There is no distinguishing between A/V program data and received A/V program data. They are interpreted broadly.*

Claim 26, Farrand teaches the component of claim 22, wherein the data manager is adapted to automatically transfer the received A/V program data (user regularly watched programs) to the archival storage system (home media server storage) if the received A/V program data represents a later broadcast (non-broadcast periods of time) (paragraphs [0079], [0097]). *Non-broadcast periods of times are interpreted broadly as being later or before the broadcast.*

Claim 27, Farrand teaches the component of claim 22, wherein the data manager is adapted to automatically transfer the related A/V program data (related broadcast schedule) to the archival storage system (home media server storage) if the received A/V program data represents an earlier broadcast (non-broadcast periods of time) (paragraphs [0079], [0097]). *Non-broadcast periods of times are interpreted broadly as being later or before the broadcast.*

Claim 28, 35, Farrand teaches the component of claim 22, wherein the data manager is adapted to initiate transmission of the received A/V program data to a sink component (user device, i.e. television) in response to a request received from the sink component (i.e. the user requesting for a re-download) (paragraphs [0080]-[0081]).

Claim 29, Farrand teaches an audio/video component networking system, comprising:

- a sink component (user device, i.e. 192, 193, 194, or 195) adapted to present A/V program data to a user via a presentation device (i.e. display device, television, 135) (paragraphs [0006], [0093]); and
- a source component (180) adapted to monitor presentation of the A/V program data via the presentation device (i.e. 171) by the sink component (i.e. 192) (paragraph [0059]-[0060], [0079]),
- the source component (180) adapted to automatically retrieve (i.e. from Internet) A/V program data related to the presented A/V program data from an archival storage system (Internet servers) in response to presentation (i.e. what a user is viewing) of the presented A/V program data (paragraphs [0079]-[0081]). *The NOC monitors the users viewing habits and may retrieve related content over the internet and transmit it to the home media server. Because content may be downloaded from the Internet, it is broadly interpreted as an archival storage unit.*

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 5, 13, 17, 23, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farrand (US 2003/0193619) in view of Jeffers et al. (US 4739510).

Claim 5, 13, 23, 30, Farrand is silent regarding the component wherein the data manager is adapted to identify the related A/V program data via header data of the monitored A/V program data.

Jeffers teaches the component wherein the data manager is adapted to identify the related A/V program data (program-related information) via header data of the monitored A/V program data (col. 4, lines 37-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided program-related data in headers as taught by Jeffers to the broadcast monitoring system of Farrand to identify data and group address and sync information to the receiving unit (col. 4, lines 14-62).

Claim 17 is analyzed as a method of claim 13.

6. Claims 6, 11, 16, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farrand (US 2003/0193619) in view of White (US 2002/0056098).

Claim 6, 11, 32, Farrand is silent regarding the component of claim 1, wherein the data manager is adapted to automatically transfer the monitored A/V program data to the archival storage system if a presentation time for the monitored A/V program data exceeds a predetermined period.

White teaches the component (10) wherein the data manager (21) is adapted to automatically transfer (e.g. add channels to recent channel map) the monitored A/V

program data (e.g. channel being viewed) to the archival storage system (e.g. memory in the processing system for storing recent channels) if a presentation time for the monitored A/V program data exceeds a predetermined period (e.g. if a channel is being view for more than 20 seconds) (see fig. 4,9, paragraphs [0031], [0034], [0054], and [0065]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a technique determine if a user is purposefully viewing a channel/program as taught by White to the monitoring system of Farrand to prevent the creation of inaccurate related program data (paragraph [0065]).

Claim 16 is analyzed as a method of claim 11.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Farrand (US 2003/0193619) in view of Ochiai et al. (US 7171677).

Claim 7, Farrand is silent regarding the component of claim 1, wherein the data manager is adapted to automatically transfer the monitored A/V program data to the archival storage system based on a memory capacity.

Ochiai teaches the component wherein the data manager (7) is adapted to automatically transfer (e.g. select for recording) the monitored A/V program data (e.g. broadcast programs) to the archival storage system (3 or 4) based on a memory

capacity. (i.e. whichever memory unit has a sufficient amount of memory available) (see column 5, lines 38-54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided logically networked memory system as taught by Ochiai to the home network system of Farrand because it allows user to not pay his/her attention to which memory is being utilized, the network handles this process under self-control (column 6, lines 24-31).

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MUSHFIKH ALAM whose telephone number is (571)270-1710. The examiner can normally be reached on Mon-Fri: 8:30-18:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner, Art Unit 2426
12/18/2008

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